

**BOARD OF FORESTRY AND FIRE PROTECTION**

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**MINUTES**  
**BOARD OF FORESTRY AND FIRE PROTECTION**  
**January 7 and 8, 2003**  
**Sacramento, California**

**BOARD MEMBERS PRESENT :**

Stan Dixon, Chairman  
Kirk Marckwald, Vice Chair  
Mark Bosetti  
Susan Britting  
Robert Heald  
David Nawi  
Tharon O'Dell  
Gary Rynearson

**BOARD STAFF PRESENT :**

Daniel R. Sendek, Executive Officer  
George Gentry  
Executive Officer, Foresters Licensing  
Donna Stadler, Executive Assistant  
Jim Mote, Regulations Coordinator

**DEPARTMENTAL STAFF PRESENT :**

Ross Johnson, Deputy Director  
Resource Management

**CALL TO ORDER**

Vice Chair Marckwald called the January 2003 meeting of the Board of Forestry and Fire Protection to order.

**MINUTES**

Vice Chair Marckwald asked for a motion on the minutes of the Board's regularly scheduled November meeting and the November 13, 2002 teleconference meeting.

**03-1-1** Mr. O'Dell moved to approve both November 2002 minutes as amended. Mr. Bosetti seconded the motion, and all were in favor.

**REPORT OF THE DIRECTOR**

Mr. Ross Johnson, Deputy Director of Resource Management, announced that Director Tuttle and Deputy Director Jim Wright were in Texas attending the National Association of State Foresters meeting. He then referred to the Director's report in the binder and reviewed it for the Board.

Mr. Tim Turner, RSS Region Chief, commented on three items. The Smith Fire in Riverside burned about 150 acres and is about 50 percent contained. He commented that a portion of that fire is Local Responsibility Area. The Pacific Fire in Malibu is in Local Responsibility Area and has burned approximately 2200 acres, and is now 50 percent contained. He noted that the Riverside fire was arson and that an arrest has been made.

Mr. Johnson commented that the MOU between the State Water Quality Control Boards, the Regional Boards and the Department and is in the court of the water agencies at this time. This MOU will help the Department in getting a handle on the non-concurrence issue. The Department will provide an update at the next Board meeting.

## **REPORT OF THE OAK MORTALITY TASK FORCE**

Mr. Mark Stanley, California Oak Mortality Task Force Chair (COMTF), reviewed the COMTF report in the Board binder for the members. He announced that seven new findings associated with *Phytophthora ramorum* were reported at the Sudden Oak Death Science Symposium held in Monterey on December 17 and 18, 2002. They are Canyon live oak, Cascara, Salmonberry, Poison oak, Western starflower, Victorian box, and the California hazel. He commented that in the U.S., the trees are being impacted and in Europe, it is the ornamentals. A complete copy of this report is available at: <http://www.suddenoakdeath.org>.

## **REPORT OF FEDERAL AGENCIES INCLUDING USDA FOREST SERVICE, NATIONAL MARINE FISHERIES SERVICE, US FISH & WILDLIFE SERVICE AND US ENVIRONMENTAL PROTECTION AGENCY**

Mr. Mike Chapel, USDA Forest Service, provided a handout and a brief overview of the President's Healthy Forest Initiative. It is a common sense approach to management in an effort to restore forest and rangeland health and reduce the risks of catastrophic wildfires to communities and the environment. He commented that the Federal Government is very appreciative of the Board's State Fire Plan. The Forest Service is working on the facilitation of the National Environmental Protection Act (NEPA) process that is required to do forest restoration and rehabilitation projects. There are some new draft regulations that will be posted on the Federal Register. The Departments of Agriculture and Interior will propose to amend their Administrative Appeal Rules to expedite appeals of forest health projects and encourage early and more meaningful public participation. The Departments of Interior and Commerce will improve the Endangered Species Act process in an effort to expedite decisions.

Mr. Chapel provided an update on the Sierra Nevada Framework for the Board. The review-team has been reviewing the Record of Decision and their draft findings have been released for internal review. That report will be released January 17, 2003, to the inter-agency team and on the USFS website for public review on January 21, 2003. There will be an inter-agency team meeting to discuss this report on February 14, 2003. The report will go to the Regional Forester by the end of February or early March.

Mr. Ryneanson wanted to know if the Regional Forester would come before the Board in the near future.

Mr. Chapel commented that the Regional Forester was trying to schedule that now.

Mr. Heald wanted to know the status of the planning process for the Sequoia National Monument.

Mr. Chapel indicated that a draft Environmental Impact Statement is out for review.

Mr. Heald wanted the Department to report back on who, at the state level, is taking the lead on reviewing the Sequoia Nation Monument planning process and the effects of the Plan on state responsibilities.

## **CONSIDERATION OF A PETITION FOR RULEMAKING SUBMITTED BY CHARLES L. CIANCIO**

Vice Chair Marckwald introduced the topic.

Mr. Chuck Ciano, petitioner, provided the Board with a copy of his written comments. He provided some background for the members and reviewed the highlighted portions of his comments. He commented that the Board's rule § 1037.5(f) is being applied; however, there is a lack of accountability in conflict and resolution exercised where explanation and justification for public agency actions are routinely not required. He read two examples of CDF responses into the record. He believes that requests for adequate explanation, justification, and/or authorized regulatory basis are being denied. Within his written comments there are five pages, which outline perceived problems with how the Department is handling the review and return of plans. He believes that the information he has presented illustrates interpretation and accountability problems that exist and that his proposed rule changes would resolve or reduce many of the problems.

Mr. Dean Lucke, Assistant Deputy Director for Forest Practice, summarized the Department's memorandum in the Board's binder regarding the return policy, return statistics, comments on the Petition, and recommendations by the Department. He believes that there are a lot of misunderstandings. He does not believe that the Department has deviated on the returns and that there is a return rate of nine percent. The non-discretionary return will not go away. He believes that the petition misrepresents the facts. The Department is committed to ensuring that filed plans are in complete and in proper order. The Department supports the Board's efforts to resolve concerns over filing and is prepared to work within the Board's committee process to help resolve issues.

Mr. Heald commented that it would be helpful to understand what non-discretionary issues come up.

Ms. Leslie Markham, a review-team chair, provided a handout for the Board. She reviewed the Department's evaluation for the reasons for filing rejections in the Northern and Southern Regions for the period from January 1 through November 26, 2002.

Mr. O'Dell commented that he was bewildered by the presentation.

Mr. Ryneason wanted to know why there are different letters sent from the different THP review-teams.

Mr. Lucke commented that in the Coast area there are a lot of public comments. There is a need to have those questions answered and those individuals do get a call. One reason for rejecting plans is based on discretionary issues. It is a difficult process to follow.

Mr. Ciano commented that clerical problems also exist due to the time it takes to answer all of the questions from public comments.

Mr. Lucke commented that the Department does not believe that nine percent is that high when you take out the RPFs who constantly get rejection letters.

### **Public comment**

Mr. Roy Richards provided his background for the new members. He believes that the Board should review the plan and each item on the plan.

Mr. William Hultgren, California Licensed Foresters Association (CLFA), commented that the process is complex. CLFA supports any positive proactive approach in providing some form of equality in the review process. He believes that RPFs will benefit from a more structured format. CLFA does not support added complexity. He urged the Board to look at defining what "accurate, complete, and proper order" means. He also urged the Board to take careful consideration to the petition.

Mr. Richard Gienger believes that standardization for filing is needed, but that the petition is not appropriate.

Mr. Robert Di Perna, EPIC, commented that the Department has a responsibility to be sure that the plans are complete and accurate. He then walked the Board through what he does when a THP has been filed. He believes that if the Department says that something is missing, it probably is.

Mr. Bruce Reeves, Deputy Attorney General and Counsel for the Board, reviewed the procedure for approving or denying a petition under Government Code §11340.7 for the members.

Mr. O'Dell commented that it is a complex process and would like for the issue to be put over for committee discussion.

Mr. Rynearson wanted to know how to insure that the public is being served. He noted that § 1034.2 of the Forest Practice Rules requires professional judgment.

Mr. Heald commented that he believes it inappropriate to use the filing process with inter-departmental agreements. He indicated that the petition process was different and that §1033 is unclear and §1034 unnecessary. There is no clear direction available and the petition is unclear. He recommended that the petition be rejected and discussion be continued under a different format.

Mr. Bosetti commented that he was reluctant to send the petition to committee because there is a need to deal with this issue now.

Mr. Marckwald does not believe that the petition solves the problems.

Mr. O'Dell expressed frustration and concern about how to move forward. He commented that he believes that the Board needs to find a way to sit down and fix something.

Ms. Britting commented that she does not believe that the petition fixes the problems and would like not to accept the petition for hearing.

Mr. Rynearson wanted a review of the Board's options.

Mr. Reeves said that the Board could deny the petition, deny it in part, grant it in part, or grant it and schedule it for hearing. The most important aspect of the Board's response is a written statement of its reasons for its action.

**03-01-2** Mr. Heald moved to deny the petition on the grounds that it lacked sufficient clarity and necessity. The motion further directed staff to distribute the current THP form to all Board members for a subsequent review in Committee. Additionally, the Committee shall discuss whether it is appropriate to reject a THP for filing solely on a discretionary basis or rather accept it for filing and resolve discretionary issue(s) during the formal interagency review process.

Mr. O'Dell commented that the petition does have some critical elements directed to the Board and the Department from the RPF community and indicates that there is a problem with the process and asks for guidance in resolving the issue. He wasn't sure that the motion embodied that concern.

Mr. Heald commented that the intent of the motion is to deny the petition, but to accept the underlining issues that there are plan filing issues and concerns that need to be addressed. It was to identify two specific deliverables that could be dealt with. One was to be sure that the members had copies of the plan, and two was to discuss the issue of should or should not plans be returned as unacceptable for filing because of discretionary issues.

Mr. Rynearson commented that the petition has two elements that are on target of the THP workshop. The Board's job is to find the appropriate middle ground. It is important that if the petition is rejected, the Board does not lose sight of some very important issues.

Vice Chair Marckwald commented that he understood that Member Heald's motion was to pull those issues out of the workshop and put them on a very specific track.

Ms. Britting seconded the motion, but wanted clarification.

Mr. Sendek read Member Heald's motion into the record. The Board denied the petition for the following reasons:

1. The Board determines that the petitioned amendment of 14 CCR §1033 is unclear.
2. The Board further determines that the petitioned amendment of 14 CCR §1034 is unnecessary and unclear.

Vice Chair Marckwald call for a roll call vote:

Bosetti	Nay
Heald	Aye
Rynearson	Nay
Britting	Aye
O'Dell	Aye
Marckwald	Aye

Motion passed by a 4-2 vote.

## **REPORT OF EXECUTIVE SESSION**

Chairman Dixon commented that the Board met in Executive Session, but no action was taken.

## **PRESENTATION RELATED TO THE JACKSON DEMONSTRATION STATE FOREST (JDSF) MANAGEMENT PLAN OF THE DESIRED FUTURE CONDITIONS OF INDIVIDUAL TREE SELECTION, CLUSTER MANAGEMENT, AND A COMPARISON WITH THE DESIRED FUTURE CONDITIONS FOR LATE SUCCESSIONAL MANAGEMENT IN UPLAND AREAS**

Chairman Dixon introduced the topic.

Mr. Ross Johnson, Deputy Director of the Department of Forestry and Fire Protection, noted that during the November Board meeting, the Board requested CDF respond to five tasks. Today's presentation is a response to two of those tasks; tasks three and four. The Jackson Demonstration State Forest (JDSF) is a laboratory working with a continuum of silvicultural systems and that each demonstration in harvest will fit somewhere along the continuum. He provided examples rather than specific amendments to the management plan. The silvicultural methods that the Department will discuss will fill important research and demonstration needs as it investigates a range of systems to grow and utilize forest resources while assuring conservation and enhancement of other forest resources, such as wildlife habitat and watershed health.

Mr. Marc Jameson, JDSF Forest Manager, provided a Power Point presentation on the structure of JDSF. He commented that the efforts at JDSF are to achieve a high level of sustained production using even-aged management, maintain the habitat element, enhance habitat value, and develop stands to enhance productivity and maintain high levels of growth.

Mr. Heald wanted to know if variable retention was applied to 30 to 40 acre stands outside of existing stream zones.

Mr. Jameson replied that it was.

Mr. Heald wanted to know if moderate to high levels of retention were planned.

Mr. Jameson commented that when the stream zones and the adjacent stands are combined, 20 percent or more is easily obtained.

Mr. Heald wanted to know if there were plans to obtain retention levels higher than the examples.

Mr. Jameson indicated that they were and commented that the examples were just a range to demonstrate the various structures.

Mr. Heald wanted to know what type of regeneration methods would be used for single tree or one-quarter-acre cluster selections, and if natural regeneration or supplements were being considered.

Mr. Jameson commented that JDFS generally supplements regeneration to be certain of a good coverage by redwood. However, there will be an abundance amount of natural regeneration.

Mr. Heald commented that on the single tree and cluster and the late seral development, one of the many reasons that landowners might want to practice these regeneration methods and find your demonstrations useful, is a desire to have increased visual qualities. He wanted to know what typical measures are taken to reduce the negative effects associated with this level of harvesting.

Mr. Jameson commented that typically the trails, roads, and adjacent properties would be buffered. Many of the recreational areas are within the stream zones.

Mr. Ryneanson wanted to know if there were plans to study impacts on growth.

Mr. Jameson commented that it was a regular practice to conduct pre-harvest and post-harvest inventories and periodic inventories. There are also continuous forest inventories in fixed blocks over time. He indicated that there are a number of research projects underway.

Ms. Britting wanted to know the range of quality of the stands in the areas of late seral development today.

Mr. Jameson commented that the bulk of the larger blocks are typically uncut even-aged stands in advanced stages and of good condition with 70 to 130 year old trees.

Mr. O'Dell thanked the Department for the interesting presentation. He wanted to know if these are all simulated except for the old-growth stands.

Mr. Jameson commented that was correct.

Mr. O'Dell wanted to know if the plan was to always let the stands in the cluster scenario go to 80 years old.

Mr. Jameson commented that the thinning of the regeneration in those clusters would probably occur more likely in 30 to 50 years.

Mr. O'Dell wanted to know if the manipulation of the species composition with hardwoods was considered.

Mr. Jameson commented that they maintained a mix of madrone and tan oak.

Mr. O'Dell wanted to know if when the stands are manipulated for productive wood utilization, are those attributes and species coordinated in a way that would be advantaged through that manipulation.

Mr. Jameson indicated that there are simulation runs with the wildlife habitat relationship system. They are finding the bulk of species in the second-growth. However, they are not finding the Murrelet.

Mr. O'Dell commented that he thought that these stands were mostly previously clear-cut redwood stands.

Mr. Jameson replied that was correct and that they are always mindful of species composition. He provided some examples for the Board.

Mr. Heald wanted to know what proportion of land, which that has been allocated to those management styles, are intended to be treated over the next five years.

Mr. Jameson referred to table six in the Management Plan. He commented that two areas have been identified for potential development over the next five years. One would be the Helm study area, which is approximately 200 acres. The other would be the Thompson Gulch area, which is approximately 100 acres and in late seral. The cluster selection would be a great deal more than that, probably in the neighborhood of 600 acres.

Mr. Heald wanted to know if any mechanism for public involvement has been considered.

Mr. Jameson commented that there is no mechanism for local involvement in decision-making. However, they have plans for becoming more active in showing the public what the JDSF is doing, probably through seminars.

Ms. Britting wanted to know how the treatments shown in the Power Point presentation relate to the two THPs in the forest.

Mr. Jameson commented that the two THPs would have lower impacts.

Mr. Johnson thanked all of those involved in the presentation. He indicated that the Department would come back later in the year with more details for the Board.

Chairman Dixon requested that the Department come back to the Board in February with a plan to involve the public and the community relative to this issue.

Mr. Johnson replied that they would do that.

Ms. Britting commented that it was very important that there is an engaged public involvement in JDSF. There needs to be a plan to make them feel that they are a part of that community.

### **Public comment**

Ms. Kathy Bailey, Sierra Club, wanted to know the amount of forest that is currently in old late serial forest. It is hard for the public to evaluate. She does not believe that it would be inappropriate to retain a total of 10 to 12,000 acres on remaining late seral. She requested that the Board request an economic study of late seral management by JDSF.

Mr. Vince Taylor, Campaign to Restore Jackson State Forest, asked that the Board have CDF delay any action on the Brandon Gulch and Camp Three THPs to allow the public the opportunity to comment. He wanted the Board to request CDF take its time on these two plans. The Campaign to Restore JDSF would like to hire an independent expert to review the projects. He believes that CDF is moving ahead on these two plans as soon as possible.

Mr. Greg Jirak, California Native Plant Society (CNPS), commented that simulations are not very good without monitoring. The impact on non-timber botanicals is unclear.

Chairman Dixon requested that the Department come back to the Board in February to address the public involvement issue.

Mr. Johnson indicated that they would.

## **REPORT OF THE ADVISORY COMMITTEES**

### **PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)**

Mr. George Gentry, Executive Officer for Licensing, noted that the following Registered Professional Foresters have failed to renew their licenses and asked for revocation of the license of William Tempelis, RPF 2204, and Robert Taber, RPF 1480.

**03-1-3** Mr. Rynearson moved to revoke the licenses of William Tempelis, RPF 2204, and Robert Taber, RPF 1480. Mr. Heald seconded the motion, and all were in favor.

Mr. Gentry reported that Joseph Naya, RPF 2640 and Ron McGregor, RPF 2493 have requested license reinstatement from withdrawal status.

**03-1-4** Mr. Rynearson moved to accept the reinstatement of Joseph Naya, RPF 2640 and Ron McGregor, RPF 2493 from withdrawal status. Mr. Nawi seconded the motion, and all were in favor.

Mr. Gentry noted the passing of Robert MacGregor, RPF 1135 and Scott Hall, RPF 2271.

Mr. Gentry announced the four successful applicants from the October 18, 2002, Registered Professional Foresters Examination. There were 25 applicants, which is a pass rate of 16 percent. He asked for approval of Ms. Kim Witcher, RPF 2745; Todd McMahon, RPF 2746; Matthew Greene, RPF 2747; and Matthew Rouke, RPF 2748 as Registered Professional Foresters.

**03-1-5** Mr. Rynearson moved to accept the successful applicants, as presented. Mr. Marckwald seconded the motion, and all were in favor.

Chairman Dixon wanted to know about the low pass rate on the October 2002 RPF exam.

Mr. Gentry commented that he met with the expert graders and asked for their sense of the low pass rate, and both graders assured him that the exam was fair and straightforward. One grader commented that in one particular case, an excellent knowledge of forestry was observed, however, the examinee did not answer the question that was asked.

Mr. Rynearson commented that those expert examiners have been used on other exams, so this was not a case of a new variable, and most of the test question came from pre-existing test. He wanted to know how many of the applicants were repeat examinees.

Mr. Gentry commented that he estimated that the majority of the examinees were returnees, probably 15 out of the 25 applicants.

Mr. Marckwald wanted to know if any of the returnees passed this exam.

Mr. Gentry replied that he believes that one of those successful applicants had been a returnee.

## **REPORT OF THE PROFESSIONAL FORESTERS EXAMINING COMMITTEE**

Mr. George Gentry, Executive Officer for Licensing, introduced Chairman Doug Ferrier of the PFEC.

Mr. Ferrier provided an overview of the PFEC and its membership. He noted that the PFEC oversees the RPF exam. Currently there are 1375 RPFs in the state. The PFEC also reviews complaints on RPFs and makes recommendations to the Board. The PFEC is currently looking at the Memorandum of Understanding with the U.S. Forest Service for its use of RPFs.

Mr. Ferrier reported that the exam results were disappointing. The Committee reviewed each exam question and believed that it would be a fair exam. The quality of answered questions was poorer than what was seen in previous exams. He noted that the next PFEC meeting would be February 27, 2003.

### **APPOINTMENTS TO THE PROFESSIONAL FORESTERS EXAMINING COMMITTEE**

Mr. Gentry commented that the terms of two PFEC members would expire on January 15, 2003; those of Chairman Ferrier, and Mike Stroud, who occupies the position designated for Certified Range Manager. He noted that he had consulted with the nomination committee appointed by the Board, consisting of Members Ryneerson and O'Dell. Only two nominations were received, and these requested re-appointment of the incumbents. It was the recommendation of the committee to accept these nominations.

Mr. Gentry requested the Board accept these nominations, and consider the re-appointment of members Ferrier and Stroud.

**03-1-6** Mr. Heald moved to accept the re-appointments of Doug Ferrier and Michael Stroud to the PFEC. Mr. O'Dell seconded the motion, and all were in favor.

### **RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)**

Mr. Ken Zimmerman provided an overview of RMAC activities for 2002 and its goals for 2003 to the Board. He indicated that a copy of the RMAC objectives for 2003 and 2004 would be forthcoming. He noted that the Vegetation Fire Management Focus Group has been monitoring and attending the BLM Vegetation Management EIS Workshops throughout the state. He commented that there is good communication between agencies. RMAC has been regularly attending the Resource Protection Meetings. The Department has requested RMAC to look at the National Fire Plan. He noted that the California Department of Food and Agriculture has requested input from RMAC on SB 1740, the Noxious Weed bill. He commented that much of what RMAC is doing is being posted on the website.

### **MONITORING STUDY GROUP (MSG)**

Mr. Pete Cafferata, CDF, Resource Management Hydrologist, provided a summary of the Monitoring Study Group's November 13, 2002 meeting. It was well attended, including representatives from eight agencies, public members, and representatives from the timber industry. There was a Power Point presentation by the USGS Redwood Field Station on the research completed to date from the *Composition of Suspended Load as a Measure of Stream Health* project. The hypotheses being tested include if salmonid condition and feeding activity is inversely proportional to suspended load. There will be a final report for CDF, summarizing data compilation and analysis, in late 2003. MSG continued its discussion on cooperative THP-scale Instream Effectiveness Monitoring projects with Campbell Timberland Management and SPI. The MSG Workgroup will meet on February 10, 2003, to further discuss the appropriate questions to ask and determine appropriate field sites.

Mr. Cafferata commented that he provided the MSG with a short Power Point presentation updating the progress made on the Hillslope Monitoring Program (HMP). There were recommendations related to training and education, a road management plan, changes to the HMP, and work need to complete the HMP report for the Board. He announced that the next MSG meeting is scheduled for February 11, 2003, at Howard Forest.

### **APPOINTMENTS TO THE RANGE MANAGEMENT ADVISORY COMMITTEE**

Mr. Jeff Stephens, CDF, Executive Secretary to RMAC, announced that two members of RMAC, whose terms expired on January 15, 2003, have expressed a desire to be reappointed. Members Leonard Hale, representing the Southern California Watershed Fire Council; and Neil McDougald, representing the California Cattlemen's

Association and have been nominated by their respective organizations for another four-year term. He requested Board consideration on the nominations for reappointment.

**03-1-7** Mr. Bosetti moved to accept RMAC members Leonard Hale and Neil McDougald for reappointment to a four-year term. Mr. O'Dell seconded the motion, and all were in favor.

### **CONTINUED DISCUSSION OF THE BOARD'S MARCH AND APRIL 2002 TIMBER HARVESTING PLAN SUBMISSION AND REVIEW WORKSHOPS, INCLUDING THE IDENTIFICATION AND PRIORITIZATION OF OPPORTUNITIES TO IMPROVE THE PROCESS, AS WELL AS REDUCE THP PROCESSING TIMES, WITHIN STATUTORY REQUIREMENTS**

Vice Chair Marckwald commented that there are two issues to be dealt within the Interim Committee and that this item would come back to the Board for discussion next meeting. He stated that it was appropriate to postpone this item until such time as Chairman Dixon and member Ryneerson could participate.

### **REVIEW OF PROPOSED REVISIONS TO THE BOARD'S FIRE PROTECTION POLICY**

Mr. Bosetti provided background for the new members. He then proposed changes to the Fire Protection Policy and indicated that most of the changes were for clarification. He commented that the Resource Protection Committee was proposing that the Board approve the document of January 8, 2003, with two exceptions. He suggested that sections 343 through 343.2 be sent back to RPC for further discussion. He further recommended that the sections of the Fire Policy addressing the Vegetation Management Program (356-356.5) not be approved at this time.

Mr. O'Dell wanted to know if the RPC was comfortable with approving the Plan in parts.

Mr. Bosetti indicated that it was.

**03-1-8** Mr. Heald moved to approve per the recommendation of the Resource Protection Committee. Ms. Britting seconded the motion, and all were in favor.

### **REPORT OF INTERIM, RESOURCE PROTECTION, AND AD HOC WATERSHED COMMITTEES**

#### **INTERIM COMMITTEE**

Mr. Heald reported that the Committee continued its review of the Oak retention study with input from the Department of Fish and Game. The Committee also continued its discussion of the Forest Reptile and Amphibian Working Group (FRAWG) report. FRAWG has worked out a draft and is recommending protective measures. However, there is still some ongoing discussion. Under New and Unfinished Business, the Charter Forest Working Group commented on its progress and that it is moving forward and expect to have documents for the Board's review by the March meeting.

#### **RESOURCE PROTECTION COMMITTEE**

Mr. Bosetti commented that the Unit Chiefs reviewed their reports for the Committee and noted that copies of those reports are in the Board's binder. The Department provided its annual report on the Vegetation Management Program for the Committee. The Department reported on its Outreach and the Fire Safe Programs. He commented that there was also a report on the Statewide Fire Safe Council.

## **AD HOC WATERSHED COMMITTEE**

Mr. O'Dell provided the *Ad hoc* report in Member Ryneerson's absence. The Department provided a briefing on the Road Rules Task Force. He commented that they are using MSG findings and hope to have a report for the Board in April. There was some discussion on the concept of Road Management Plans—this will require further discussion. The Committee discussed the Forest Practice Rule modification proposal by the NCWQCB and is expecting some feedback from the NCWQCB by next meeting. The Department provided an update on FRAP activities, including its mapping project. It was noted that many of the problems in California result from urban encroachment. The FRAP report will be out in draft form in a couple of months. The Department reported on the NCWAP and the three watersheds that have been dealt with; the Gualala, Mattole, and Redwood Creek watersheds. Those reports should be out in a couple of months. With the budget allocations, it is uncertain when the other three, that are being worked on, will be completed.

## **PUBLIC FORUM**

Mr. Jay Holcomb, Russian River resident, expressed concerns over the timberland conversions to vineyards in Mendocino County. He will provide a report to the Board next month.

Ms. Helen Libeu commented that she is concerned over the rules which address the ratio of Group A to Group B commercial timber species in the state. She indicated that 99 percent of the THPs cut all conifer and no hardwoods, yet some RPFs maintain that this does not change the ratio of Group A to Group B species. As a timber landowner, she is interested in maintaining a timber economy and intends to address the Board each month.

Mr. Richard Gienger commented on the impacts of the heavy rains of December. Bear Creek and Jordan Creek showed signs of massive re-entrainment of sediment in very large volumes. However, the gravel bars are holding up well. He encouraged the Board to institute a riparian replanting of conifers adjacent to California's salmon bearing watercourses.

Mr. Greg Jirak, California Native Plant Society's (CNPS) forestry program coordinator, noted the favorable outcome of the litigation of Weburg vs. Board of Forestry. The decision stated that it was reasonable that the Department require botanical surveys as part of the THP process. He noted that CNPS supported the Board during this process by filing a supplementary brief in support. CNPS looks forward to working with CDF and DFG in commenting on harvest plans and HCPs throughout the state. He then provided the Board with copies of the *Fremontia*, a Journal of the California Native Plant Society for its review.

## **REPORT OF THE EXECUTIVE OFFICER**

Mr. Daniel Sendek, Executive Officer for the Board, reported on Legislation for the Board. He commented that the two bills the Department is currently watching are SB 8 and AB 47. He noted that the text on those bills is in the binder for the Board's review. He then reviewed the tentative Legislative Calendar for the Board. He noted that the last day to submit bill requests to the Office of Legislative Counsel is January 24, 2003.

Mr. Sendek commented that it was time for the Board to consider the appointment of a new vice chair. He requested guidance from the Board regarding the recent travel restrictions imposed on departments.

Vice Chair Marckwald commented that given the absence of Chairman Dixon and Member Ryneerson, the appointment of the new Vice Chair should be a top priority next month.

**PRESENTATION BY THE PACIFIC LUMBER COMPANY, NATIONAL MARINE FISHERIES SERVICE, U.S. FISH AND WILDLIFE SERVICE AND CALIFORNIA DEPARTMENT OF FISH AND GAME ON THE PACIFIC LUMBER COMPANY HABITAT CONSERVATION PLAN: FRESHWATER CREEK WATERSHED ANALYSIS**

Mr. Jim Brannan, PALCO, commented that following the Power Point presentation, they would be available for questions.

Dr. Jeff Barrett, Pacific Lumber Company (PALCO), provided some background on the development of the HCP/SYP. He believes that the watershed analysis works. He reviewed the Freshwater Watershed Analysis for the Board.

Mr. Mark Stauffer, Department of Fish and Game (DFG), commented that DFG was working closely with PALCO. He noted that some of the prescriptive measures are less than those in the Threatened and Impaired protections. DFG believes that the costs and time involved will decrease with time and suggested that the Board continue to use this process to get to watershed analysis in the future.

Mr. John Clancy, National Marine Fisheries Service (NMFS), commented that he has been working on the HCP for a number of years, and it has been a productive and successful process. The watershed analysis process is a scientifically sound process. The NMFS believes that site-specific information allows for a greater diversity in terms of prescriptive measures across the state.

Mr. John Engbring, USFWS commented that he is responsible for many HCPs in California and Oregon. He provided a brief summary of the watershed analysis process. It is a process that requires extraordinary effort and time. In the case of PALCO, there were additional measures that made it more complicated and placed additional duress on all the people trying to work through the process. It is a process that allows one to identify site-specific measures depending on the conditions of each of the various watersheds. He considers this to be one of the evolutionary processes in establishing future Forest Practice Rules.

Mr. Robert Manne, president and CEO of Pacific Lumber Company, believes that science should drive policy. The PALCO HCP is broader than the other five HCPs that were done in the North West. He commented that there are 17 species involved in the HCP and it is a totally integrated bio-diversity plan for all of PALCO's lands. It is a complete ecosystem balance that is very comprehensive in its scope and requires a very strong commitment to science. He continued to review PALCO's efforts for the Board. PALCO maintains a strong commitment to its resources and what is required for an HCP to function properly. There is improved coordination between state and federal agencies, and now there is a need for consistency in the process and a need to find a way to do future watershed analyses for less money and time.

Chairman Dixon asked for Board comments.

Mr. Nawi wanted to know if there were initial restrictions prior to the watershed analysis.

Mr. Manne commented that the restrictive prescriptions were intended to provide improved habitat conditions and that sediment is the serious problem. He believes that the Freshwater Watershed Analysis will become the model for future analysis of watersheds systems in California.

Mr. Stauffer commented that restrictive measures would depend on the watershed data available at the onset.

Mr. Engbring commented that time and a level of trust is critical to be able to work and establish a good watershed analysis methodology.

Mr. Manne suggested that the Board think about developing a slightly different approach.

Mr. Nawi wanted to know about the opportunity for public involvement.

Mr. Stauffer indicated that the public has had the opportunity to participate in this process. However, PALCO is still struggling with how to involve the public more effectively.

Mr. Bosetti wanted to know about the costs to government agencies.

Mr. Stauffer indicated that he did not have the numbers at this time.

Mr. Marckwald wanted to know the costs to PALCO.

Mr. Manne commented that it was approximately \$3 million, but it was declining with experience.

Mr. Bosetti wanted to know if the analysis helped the THP process.

Mr. Manne responded that it helped streamline the review process.

Mr. Stouffer commented that CDF, CGS, and the WQCB are involved.

Mr. Manne reported that there was minimal participation by the water agencies.

### **PRESENTATION OF THE MONITORING STUDY GROUP REPORT ON MONITORING RESULTS OF THE HILLSLOPE MONITORING PROGRAM FROM 1996 THROUGH 2001**

Mr. Cafferata, CDF, Resource Management Hydrologist, provided a Power Point presentation on the Hillslope Monitoring Program for the Board, which reviewed the MSG discussions and the 10 recommendations. He then presented the Members with copies of the final Hillslope Monitoring Program results from 1996 through 2001.

Mr. Marckwald wanted to know the process for ensuring implementation.

Mr. O'Dell commented that the Committee works largely as a consensus group looking at deficiencies and shortcomings of what the MSG is doing and discussing ways in which to resolve them. Some of the recommendations have policy implications that the Board would take up, the Committee would provide the recommendations.

Mr. Marckwald wanted to know if the recommendations involving training would be assigned out to the Department and other agencies.

Mr. O'Dell indicated that CLFA was receptive to the watercourse workshop idea. This data is the best data available. He commented that the MSG has had great support from the Department.

Mr. Cafferata commented that the Department wanted to emphasize that it had not looked at any of the plans that had been accepted after the Threatened and Endangered rules were approved.

### **REVIEW AND DISCUSSION OF THE BOARD'S TASKS AND GOALS FOR 2003, INCLUDING REGULATORY PRIORITIES, POLICY REVIEW AND REVISION, AND THE FOCUS AND COMPOSITION OF THE BOARD'S STANDING COMMITTEES**

Chairman Dixon announced that due to the time constraints, the Board would consider this item in February 2003. He commented that there are some items he wants to bring to the Board, but would require a little more time to put them together.

Chairman Dixon announced that the Senate Rules Committee approved him and Member Ryneason this morning and it should go to the floor of the Senate tomorrow.

## **NEW AND UNFINISHED BUSINESS**

Chairman Dixon asked for any new or unfinished business.

Mr. Richard Gienger commented that the report of the Independent Science Panel of North Coast Regional Water Quality Control Board is out. He believes that there are still unsolved issues on the PALCO analysis. The issue of thresholds is the major factor.

## **ADJOURNMENT**

Chairman Dixon adjourned the January 2003 meeting of the Board.

Respectfully submitted,

ATTEST:

Daniel R. Sendek  
Executive Officer

Stan Dixon  
Chairman

Copies of the attendance sheets can be obtained from the Board Office.